

ADDITIONAL FEE

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R E M A R K S

The Office Action issued February 5, 2008, has been received and its contents have been carefully noted.

Applicant hereby elects to prosecute claims to Species C; that is, claims to a device with a germicide and a carrier that dissolves.

It is respectfully noted that claim 7 has been canceled so that the carrier is no longer recited as a "polymer... with shape memory properties."

The claims of this application have been thoroughly reviewed and amended as follows:

Claims 2, 4-7, 10, 12-17 and 19 have been canceled and the remaining claims 1, 3, 8, 9, 11, 18 and 20 have been amended. Claim 1 has been amended to incorporate the features of original claim 1, 8, 9 and 10 as presented in applicants' Supplemental Amendment dated October 13, 2005.

Specifically, the elongate shape of the active agent carrier, as now specified in amended claim 1, was originally recited in claim 10. The capability of the active agent

carrier to dissolve or disintegrate after being introduced into the bladder was derived from claim 8, as was the feature that the dissolved or disintegrated material of the active agent carrier can be flushed out through the urethra.

It follows that the subject matter of amended claim 1 is supported by the disclosure of the application as originally filed.

Of the remaining dependent claims, claim 2 recites that the active agent is silver and comprised in the active agent carrier in a nano-porous state. A further preferred embodiment of the device is recited in claim 8 which specifies that the active agent carrier dissolves under specific conditions. Claim 9 defines a preferred embodiment of the active agent carrier itself and claim 11 recites that the active agent carrier is composed of many individual thin strings.

Claim 18 specifies the properties of the active agent carrier which facilitate its removal from the bladder if desired. Finally, claim 20 specifies the active agent as comprising silver, an antiseptic, an antibiotic or a biocide.

Claim 1, as now amended, is believed to be patentable over all of the available prior art.

In the Office Action, the Examiner called attention to Ferguson, EP 0 122 709 (in the following, referred to as D1), which relates to an antibiotic or germicide layered implant. As evident from the entire disclosure of D1, this prior art document discloses a solid, cylindrical, subcutaneous implant of the type containing a biocompatible inert core having a diameter of about 2 to 10 mm. A biocompatible coating with a thickness of from 0.2 to 1mm covers this inert core. The composition of the coating is from about 5 to 40% by weight of estradiol and from about 95 to 60% by weight of dimethylpolysiloxane silicone rubber.

D1 aims to improve the implant retention by teaching a specific coating on the implant itself (see page 1, lines 11 through 21 of D1). The implant is provided subcutaneously; i.e., it is placed directly under the skin of an animal (see page 2, lines 9 through 13).

The implant of D1 thus has a solid core and a coating formed around this core, the coating being antibiotic or germicide for improving implant retention.

The device set forth in amended claim 1 has an active agent carrier with an elongate shape that is composed of material that dissolves or otherwise disintegrates when introduced into the bladder.

The body of the implant of D1 is neither elongate nor does it dissolve or disintegrate. Further, D1 is completely silent about the implant's capability to be inserted into the bladder.

The present application discloses and claims a device which floats in the bladder and can be inserted through the urethra. The device is not a conventional "implant" that is inserted into the human body by surgical means and methods. When inserted, the device becomes a "floating body" which dissolves when floating in the bladder and releases the active agent. As a result, and at the end of a certain duration of treatment, the device disappears from the bladder.

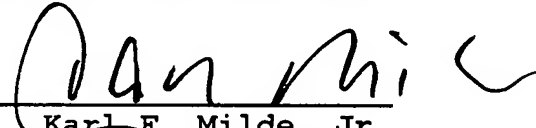
Thus, one can clearly distinguish between the subject matter of claim 1 and any conventional implant which is placed in the body by surgical means and methods.

Finally, D1 in its entirety does not contain any suggestion to provide a device for preventing and treating ordinary bladder infections and, more particularly, a device having an elongated shape and comprised of many individual thin strings which form an active agent carrier that supports the active agent.

The applicant wishes to direct the Examiner's attention to the European Patent No. EP 1 621 217 and its corresponding U.S. equivalents: US2006/0018943, US2003/0165556 and U.S. Patent No. 6,984,392. This prior art relates to an antimicrobial material for implantation in bones. A form PTO/SB/08A is attached.

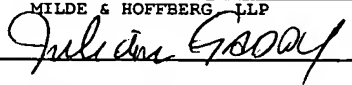
The disclosures of these prior art references are neither related to the subject matter of the present invention nor do they teach or suggest the device now recited in claim 1.

Respectfully submitted,

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MARCH 24, 2008
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By 
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